

Report on the

Alabama Manufactured Housing Commission

Montgomery, Alabama



Department of Examiners of Public Accounts

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July 14, 2004

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Manufactured Housing Commission in accordance with the ***Code of Alabama 1975***, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Manufactured Housing Commission, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

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PROFILE

Purpose/Authority:

The Manufactured Housing Commission was established in 1985 to replace the State Fire Marshal as the administrator of current and future federal and state statutes relating to regulation of the manufactured (built and assembled in a plant usually on a rolling chassis) and modular (built in a plant but assembled on site) houses and buildings industry in Alabama.

The commission accomplishes its mission through the licensure of manufacturers, retailers, installers and salespersons of manufactured/modular homes and buildings. The ***Code of Alabama 1975***, Sections 24-4A-1 through 24-6-4 provides the current statutory authority for the commission.

For manufactured homes, the Manufactured Housing Commission is designated as Alabama's State Administrative Agency (SAA) for the U.S. Department of Housing and Urban Development (HUD).

In addition to the licensure of manufactures, retailers, installers, and salespersons, the commission staff inspects installations/setups of new and used manufactured homes and buildings. The purpose of the inspections is to insure that the homes are suitable for habitation and exhibit a HUD label indicating an in-plant inspection by a HUD representative. The inspections are also made to insure that

- There is proper drainage in order to prevent the erosion of the ground beneath the home or ponding of water, which causes mold.
- Piers that support the home are of the proper type and spacing,
- Homes are properly anchored,
- Utilities are properly inter-connected on multi-unit homes,
- Homes are set-up as required by the manufacturer's installation instructions.

Modular Buildings are not regulated by HUD. The commission has adopted the requirements of the International Building Code published by the International Code Council for regulation of modular buildings. The International Building Code establishes standards for various aspects of construction such as gas, plumbing, electrical, energy conservation, fire prevention, etc.

The commission requires manufacturers, retailers, and installers to have and provide evidence of valid general liability insurance and surety bond to be licensed.

The commission receives consumer complaints and notifies manufacturers, dealers and installers of consumer complaints. The commission staff works with consumers and members of the industry to resolve the complaints. For complaints regarding

manufactured houses, the commission utilizes a complaint resolution program in accordance with the National Manufactured Housing Improvement Act (MHIA) of 2000

Act Number 99-355, *Acts of Alabama 1999* was passed to limit the influence of the manufactured housing industry on the commission. The act requires that the commission be advisory only and gives the administrator complete authority to formulate, implement, and execute policy, laws, and regulations for the commission.

Advisory Commission Characteristics:

Member	9
Term	5-year terms
Selection	<ul style="list-style-type: none">◆ Six members are appointed by the governor with the advice and consent of the senate.◆ One member is appointed by the President Pro Tempore of the Senate.◆ One member is appointed by the Speaker of the House of Representatives.◆ One member is appointed by the lieutenant governor.
Qualifications	<ul style="list-style-type: none">◆ Three members appointed by the governor must be representatives of the Alabama manufactured housing industry, selected from nominations of the Alabama Manufactured Housing Institute (AMHI). Two of the three must represent manufacturers and one must represent retailers.◆ Three members appointed by the governor must be selected from the general public as consumer representatives.◆ One representative from local government – appointed by the President Pro Tempore of the Senate◆ One member of the house of representatives – appointed by the Speaker of the House of Representatives◆ One member of the senate appointed by the lieutenant governor
Racial Representation	No statutory requirement. Two minority race members.
Geographical Representation	<ul style="list-style-type: none">◆ Of the three (3) consumer members, one must reside in congressional districts 4 or 5, another in districts 3 or 6, and the third in districts 1,2 or 7

Consumer Representation	Of the three members selected from the general public, one must live in a manufactured home at the time of appointment.
Other Representation	Membership must be inclusive and reflect the racial, gender, geographic urban/rural, and economic diversity of the state. <i>Code of Alabama 1975</i> , Section 24-6-2
Compensation	\$100 per day for attending meetings and travel expense reimbursement at the same rate as state employees, except that legislative members receive regular legislative compensation.

Operations:

Administrator	Jim Sloan, Administrator The current administrator is a classified Merit System employee. His successor will be appointed by the governor Annual Salary - \$95,178.00
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Location	350 South Decatur Street Montgomery, AL 36104
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Type of License (As of 3/31/2004)	Manufacturers	101 *
	Retailers/Dealers	306 **
	Installers	240
	Salespersons	<u>559</u>
	Total	1,206
	*Includes 52 Modular Manufacturers	
	** Includes 16 Modular Retailers	

In addition, the commission certified 3 modular 3rd party in-plant inspectors

Renewals	Manufacturer/Dealer/Installer licenses are renewed on Jan. 1 Salespersons licenses are renewed on March 1
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Grace Period(s)	None
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Examinations	The commission conducts the examinations for installers and salespersons.
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Continuing Education	Installers and salespersons are required to complete a refresher course every two years
Reciprocity	The commission does not have reciprocity with other states
Employees	29 as of 3/31/2004
Legal Counsel	Attorney General's Office
Subpoena Power	No
Internet Presence	The commission's website address is <i>amhc.state.al.us</i> . The website lists the commission's mission statements regarding the regulation of manufactured homes/buildings according to federal and state laws and provides contact telephone numbers for the various divisions within the commission.
Attended Board Member Training	Yes – Administrator and 3 staff members
<u>Financial:</u>	
Source of Funds	License fees, federal funds
State Treasury	Yes
Unused Funds	Remains on deposit in the State Treasury for use by the commission.

SIGNIFICANT ITEM

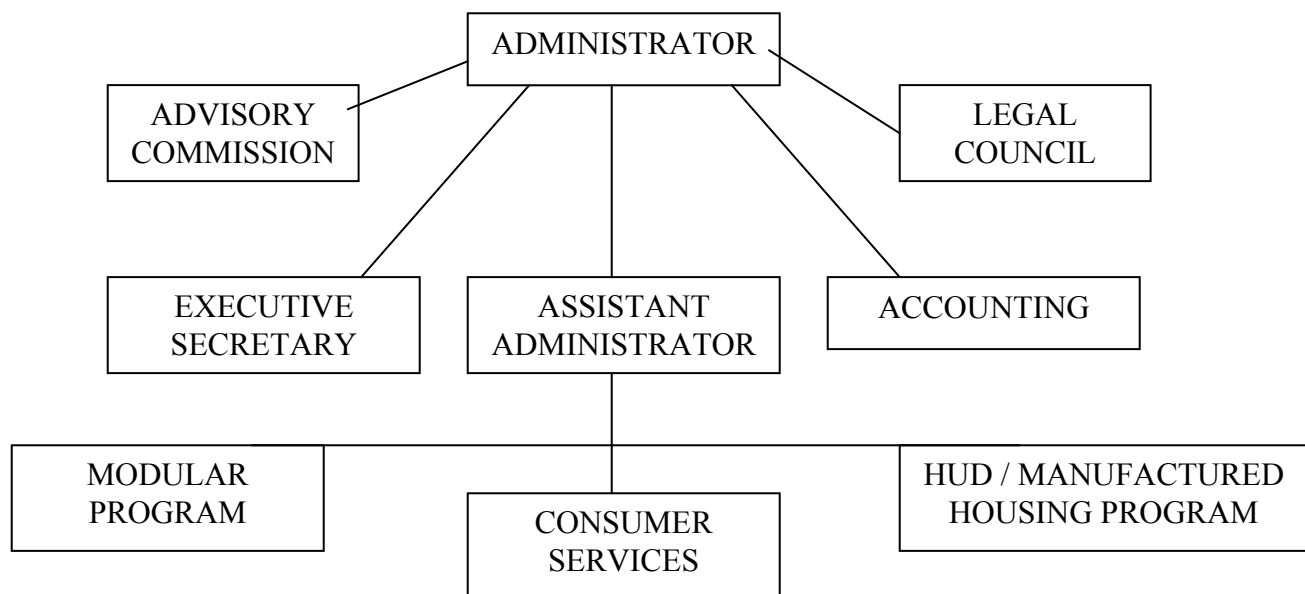
In regard to a questionnaire sent to advisory commission members, five of the six responding to question number two (2), What changes, if any, to the commission's laws are needed?, answered – subpoena/enforcement power(s) like the Public Service Commission. No further detail was provided. Conversations with commission staff indicate occasional difficulties in having warrants served.

STATUS OF PRIOR AUDIT FINDINGS

All prior audit findings have been resolved.

ORGANIZATION

ALABAMA MANUFACTURED HOUSING COMMISSION



PERSONNEL

The Manufacturing Housing Commission presently employs twenty-nine merit system employees in twenty-eight classified and one unclassified positions. The current administrator is a classified merit system employee appointed by the commission. Due to statutory changes, the governor will appoint future administrators. The attorney general provides legal services for the commission.

Schedule of Employees

Classification	Number of Employees	Race/Gender
Administrator	1	W/M
Assistant Administrator	1	W/M
Field Supervisors	3	2W/M, 1b/M
Executive Secretary	1	W/F
Admin. Support Asst. II	1	W/F
Accountant	1	B/F
Account Clerk	2	1W/M, 1B/F
Building Construction Specialist	2	W/M
Inspectors	16	14w/m, 1b/m
Laborer	1	W/F

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 41.59

Number of Persons per Licensee in Alabama and Surrounding States

	Population (Estimate)*	Number of Licensees	Persons Per Licensee
Alabama	4,500, 752	1,206	3,732
Florida	17,019,068	2,025	8,404
Georgia	8,684,715	853	10,181
Mississippi	2,881,281	412	6,993
Tennessee	5,841,748	1,038	5,628

*Source: U.S. Census Bureau – July 2003 estimates

Notification to Licensees of Board Decisions to Amend Administrative Rules

The commission complied with procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the *Administrative Monthly* and public hearings on proposed rules. The commission mails notices of proposed rule changes to all manufacturers and service organizations doing business in Alabama, and also mails notices to the Alabama Manufactured Housing Institute.

Installation Inspections

The primary function of the Alabama Manufactured Housing Commission is to act as the State Administrative Agency (SAA) for the U.S. Department of Housing and Urban Development (HUD) and inspect the installation and setup of new and used homes and respond to consumer complaints in Alabama.

Inspections - 1998-2004 Fiscal Years

	1998	1999	2000	2001*	2002	2003	2004**
Installation Decals Ordered /Sold	30,087	32,882	23,772	18,059	17,291	12,755	6,086
Inspections	22,515	15,061	15,560	14,135	14,195	12,305	5,891

*The Commission began 100% inspection of installations,

** Through 3/31/2004 only

Consumer Complaints and Inspections Processed by the Manufactured Housing Commission

1998-2004 Calendar Years

Year/Number Received	Inspections	Year/Number Resolved								
		1998	1999	2000	2001	2002	2003	2004	Pending***	
1998	554	146	421	117	0	7	2	7	0	0
1999	656	293		305	51	136	84	64	6	10
2000**	636	403			99	186	108	174	39	30
2001	461	236				107	95	166	44	49
2002	336	125					49	180	50	57
2003	242	63						104	49	89
2004*	74	14							14	60
						Total Pending Complaints *				295
* Through 3/31/2004 (First quarter only)										
** Started 100% set-up inspections 10/1/2000										
*** 50 cases remain open due to litigation										
The others are open for one (1) or more of the following reasons:										
1. Work has not been complete by the applicable manufacturer, retailer, or installer										
2. Site inspection or dispute resolution has not been completed										
3. awaiting monetary settlement from the manufacturer										
4. awaiting contractual items the commission does not have regulatory jurisdiction over										

COMPLAINT PROCESS

As the state administrative agency (SAA) for the Department of Housing and Urban Development (HUD), complaints are handled in accordance with the guidelines set forth in part 3282 of the Code of Federal Regulations - Manufactured Home Procedural and Enforcement Regulations

What is to be Corrected (Federal Regulations)

Federal regulations require that items determined to be imminent safety hazards and serious defects must be corrected by the manufacturer, retailer, and/or installer as applicable to their respective area of responsibility.

Federal regulations require items determined to be defects to be corrected by manufacturers when the defects affect a class of homes (two or more).

Authority over Licensees

The commission does not have authority over manufacturers/dealers concerning cosmetic items (those items not addressed in the federal standards).

The commission has included a dispute resolution program in its administrative rules, as required by the National Manufactured Housing Improvement Act (MHIA) of 2000.

If a manufacturer, dealer, or installer does not correct non-compliance related to a consumer complaint, the commission has authority to fine the responsible parties.

In addition to dispute resolution, the MHIA of 2000 requires each state to have an installation program to monitor installation of manufactured homes. The commission has an installation program that is expected to comply with the requirements of the MHIA of 2000. By inspecting 100% of all manufactured home/building installations, the commission has the ability to mitigate some complaints and provide a base line for processing other complaints.

Consumer Complaints

The commission does not accept anonymous complaints. When a consumer calls or visits the commission's office, the consumer is informed of the complaint process and provided with a form to complete and return to the commission.

Receiving a Complaint

1. Complaint is logged in a ledger and assigned a case number
2. Each complaint is logged in a computer database. Every item listed on the complaint form is identified by a particular HUD code number.
3. A cover letter is prepared and sent to the manufacturer, dealer, and installer who have responsibility pertaining to the complaint.

Corrective action on Complaint

1. When a response is received from the dealer or manufacturer or installer stating what actions were taken to correct the conditions that resulted in the consumer complaint, the complaint case file is retrieved and reviewed by commission staff.
2. The consumer is contacted to verify that the complaint was resolved. If the consumer verifies that the problems have been corrected, the complaint is closed.
3. The commission contacts the manufacturer, dealer homeowner or installer, if necessary, and requests that they accompany the commission's inspector on a follow-up inspection. If the problem conditions are not corrected, a copy of the inspection report is sent to the responsible party to initiate correction. When the problem conditions have been corrected, the complaint file is closed.

FINANCIAL INFORMATION

Schedule of Fees

<i>Fee</i>	<i>Code of Alabama 1975, Section</i>		<i>Amount</i>
	<u>Manufactured</u>	<u>Modular</u>	
Manufacturer License	24-5-6	24-4A-3	\$ 350.00
Manufacturer – Late Fee	24-5-5		175.00
Retailer/Dealer License	24-5-10	24-4A-3	250.00
Retailer – Late Fee	24-5-10		125.00
Installer Certification	24-5-32(a)	N/A	100.00
Installer – Late Fee	24-5-32(f)		50.00
Salesperson License	24-6-4	N/A	100.00
Salesperson Transfer Fee	24-6-4	N/A	20.00
Pre Delivery Site Inspection	24-6-4	N/A	75.00
Installer Decal	24-5-32(f)	N/A	50.00
Resale Decal	24-5-6	N/A	25.00
Training	24-6-4	N/A	150.00
Suppliers (Testing/Evaluation & Approval/Filing)			
Installation Device *			2,000.00
Installation System *			2,900.00
Annual Renewal *			25%
Hourly Rate – Witness Testing			30.00
* Amounts may be reduced by Administrator if more than one items is tested at the same time			
Modular Plan Approvals			
Structural Systems	**	24-4A-3	250.00
Electrical Systems		24-4A-3	110.00
Plumbing Systems		24-4A-3	110.00
HVAC Systems		24-4A-3	110.00
Total all Systems			580.00
Modular Plan Renewals	**	24-4A-3	50% min.
Modular Plan Modification	**		100.00
Modular Installation Insignias	**	24-4A-3	10¢ /per sq.ft \$50.00 Min.
Complex Systems	**	24-4A-3	30.00 per hr.
Modular out-of-state decal	**	24-4A-3	20.00
3 rd Party Approval	**	24-4A-3	350.00

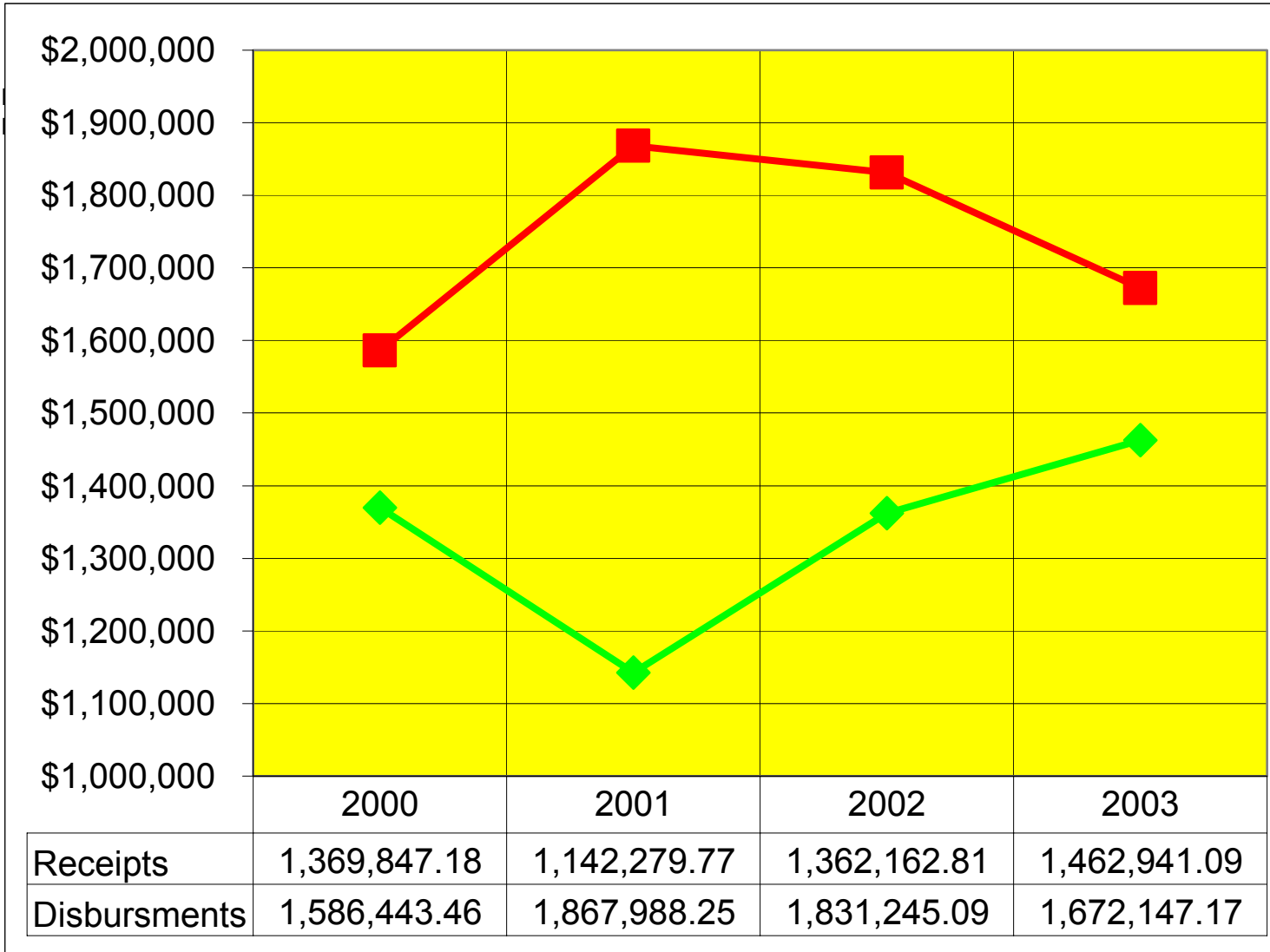
**Approval of Manufactured Home construction plans and inspection of Manufactured Housing construction facilities lies with the Department of Housing And Urban Development (HUD)

Schedule of Cash Receipts, Disbursements, and Balances

October 1, 1999 through September 30, 2003

	2002-2003	2001-2002	2000-2001	1999-2000
<u>Receipts</u>				
License and Permit Fees	\$ 1,333,410.59	\$ 1,171,069.81	\$ 998,730.77	\$ 873,927.18
Salvage - Equipment	9,000.00			
Federal Reimbursements	120,530.50	191,093.00	143,549.00	495,920.00
Total	<u>1,462,941.09</u>	<u>1,362,162.81</u>	<u>1,142,279.77</u>	<u>1,369,847.18</u>
<u>Disbursements</u>				
Personnel Costs	1,178,055.10	1,147,501.91	1,113,412.62	753,792.07
Employee Benefits	315,922.69	309,485.54	292,260.56	178,846.71
Travel-In-State	19,108.25	59,320.02	72,524.62	59,860.23
Travel-Out-of-State	374.14	-	-	-
Repairs and Maintenance	2,431.11	808.53	1,473.84	3,395.54
Rentals and Leases	14,994.14	4,801.98	11,513.74	10,865.83
Utilities and Communications	26,855.63	16,395.19	40,984.49	31,491.38
Professional Services	21,048.24	32,654.03	153,815.70	259,561.94
Supplies, Materials and Operating Expenses	40,383.82	65,608.85	91,725.37	66,824.87
Transportation Equipment Operations	51,777.05	63,492.75	75,848.31	42,733.89
Transportation Equipment Purchased	-	73,230.85	11,275.00	124,072.00
Other Equipment Purchases	1,197.00	57,945.44	3,154.00	54,999.00
Total	<u>1,672,147.17</u>	<u>1,831,245.09</u>	<u>1,867,988.25</u>	<u>1,586,443.46</u>
Excess (Deficiency) of Receipts over Disbursements	(209,206.08)	(469,082.28)	(725,708.48)	(216,596.28)
Cash Balances at Beginning of Year	<u>1,121,407.32</u>	<u>1,590,489.60</u>	<u>2,316,198.08</u>	<u>2,532,794.36</u>
Cash Balances at End of Year	912,201.24	1,121,407.32	1,590,489.60	2,316,198.08
Reserved for Unpaid Obligations	<u>(103,066.67)</u>	<u>(122,900.02)</u>	<u>(47,106.19)</u>	<u>(59,190.00)</u>
Unreserved Cash Balances at End of Year	<u>\$ 809,134.57</u>	<u>\$ 998,507.30</u>	<u>\$ 1,543,383.41</u>	<u>\$ 2,257,008.08</u>

Receipts vs Operating Disbursements



QUESTIONNAIRES

Licensee Questionnaire

Questionnaires were sent to 100 Alabama Manufactured Housing Commission Licensees: (25 Manufacturers, 25 Dealers, 25 Installers, and 25 Salespersons). 48 licensees responded: (6 Manufacturers, 15 Retailers/Dealers, 11 Installers, and 16 Salespersons). Tabulation of their responses is as follows.

1. Do you think regulation of your profession by the Alabama Manufactured Housing Commission is necessary to protect public welfare?

	Yes	No	Unknown	No Opinion
Manufacturers	4	2		
Retailers/Dealers	12	2		1
Installers	8	2	1	
Salespersons	14	2		
Total	38	8	1	1

Retailer respondent #4 answering “yes” added – “If it was run right. But, as usual, politics is involved.”

Installer Respondent #1 answering “yes” added – “To a point! You are making it harder on the consumer.”

Salesperson respondent #10 answering “yes” added – “We have gone from no regulation to over-regulation.”

2. Do you think any of the commission’s laws, rules, and policies are an unnecessary restriction on the practice of your profession?

	Yes	No	Unknown	No Opinion
Manufacturers	1	5		
Retailers/Dealers	10	3	1	1
Installers	8	3		
Salespersons	7	9		
Total	26	20	1	1

Licensee Questionnaire

Retailer Respondent #2 answering “yes”, added,-. “Holding dealers responsible for the site prep when the dealer is not providing delivery and set-up.”

Retailer respondent #4 answering “yes” added – “Not uniform and not strict. Anyone can buy, sell, and setup without a license and nothing is done about it, even if it is reported.”

Installer respondent #1 answering “yes” added – “You are making the installer responsible for things that are out of his control. Having to put a sticker on when the house is parked instead of when the job is done and money collected. Sometimes that is the only leverage to get your money.”

Salesperson respondent #10 answering “yes” added – “Overly regulated = \$\$\$ to the commission. Don’t punish the good dealers get rid of the bad.”

Salesperson #11 answering “yes” added – “One policy that is unnecessary is the mandatory inspection of each and every home delivered. Alabama is the only state in the southeast that goes this far in its inspection process. Other states, such as Tennessee, inspect only a fraction of the deliveries, but yet they respond to each and every complaint lodged. This allows them to get the job done without the overhead and staff maintained by Alabama. AMHC is over staffed because of this, and the inspectors do not have enough work to keep them busy.

HUD inspection programs, particularly at the factory level, do not require the inspection of each and every home being manufactured, nor does HUD require the State as State Administrative Agency (SAA) to inspect each and every setup. The purpose of the inspection program is to monitor the systems of management in place, and to discover any non-compliance in proper handling-not to catch each and every mistake someone might make on any particular home. AMHC’s inspection process as a SAA is way overboard in its scope, and is not necessary to the degree they are applying it, to accomplish proper monitoring in this state. This is causing undue expense in the agency, and is stressing their budget to the point that pressure is continually brought to bear regarding increasing fees and expenses toward us as an industry

The number of inspectors could be cut to one third the current level, and inspections reduced to 30% of homes installed, without any decrease in performance. If each installer was targeted for a minimum number of installation inspection per year, as Tennessee does, and all complaints were addressed, with increased penalties for non-compliance, then the AMHC could be run with much less expense and still get the job done. This would save the State of Alabama a lot of money, fees could be maintained at current levels, and the balance could be used to reduce the State deficit.”

Licensee Questionnaire

3. Do you think any of the commission's requirements are irrelevant to the competent practice of your profession?

	Yes	No	Unknown	No Opinion
Manufacturers	2	4		
Retailers/Dealers	9	4		2
Installers	7	3		1
Salespersons	7	9		
Total	25	20	0	3

Retailer respondent #4 answering "yes" added – "If they are enforced the same across the board"

Installer respondent #1 answering "yes" added – "Site prep should not be the installers responsibility. Lots of people don't have the money."

Salesperson respondent #10 answering "yes" added – "A three year old child could pass the exam, once again its all about the money."

4. Are you adequately informed by the commission of changes to and interpretations of Commission positions, policies, rules and laws?

	Yes	No	Unknown	No Opinion
Manufacturers	4		2	
Retailers/Dealers	10	2	2	1
Installers	8	3		
Salespersons	12	4		
Total	34	9	4	1

Retailer respondent #4 answering "no" added – "Things are changing all the time, you find out when house is set."

Installer respondent #1 answering "no" added – "I've been written up on things that were fine today and when I call Montgomery about it, it has changed and can not get inspectors to call you back."

Licensee Questionnaire

5. Has the commission's staff performed your licensing and renewal in a timely manner?

	Yes	No	No Opinion
Manufacturers	5		1
Retailers/Dealers	10	2	3
Installers	11		
Salespersons	14	2	
Total	40	4	4

Retailer Respondent #3 answering "no" added. – "Sometimes it takes up to a month to get certain licenses and stickers but they penalize me \$125 for being 6 days late."

Retailer respondent #4 answering "no" added – "Takes forever, paperwork is lost all the time and blamed on dealer."

Installer respondent #1 answering "yes" added – "When you get certified you pay for a year. I was certified in May and 6 months later I had to pay for another year! No where in the paperwork does it say its from Jan 1st. It should be year to date of certification. You give the schools, you should know the dates."

Installer #5 answered "yes" and added – "Sometimes."

Salesperson #17 answering "yes" added – "Slow – I sent in my request on December 12th I received them back on January 28th. To renew D.A. license you have to send your state license to them. By receiving the license late it creates a problem on DA renewal."

6. Do you consider mandatory continuing education necessary for competent practice?

	Yes	No	Unknown	No Opinion
Manufacturers	5		1	
Retailers/Dealers	4	8	1	2
Installers	5	5		1
Salespersons	8	8		
Total	22	21	2	3

Retailer respondent #4 answering "no" added – "When you go to school, it's the same old thing over and over. It's a money thing. All sales people hate [it], had just rather give the money and not go."

Licensee Questionnaire

Installer #4 answering “no” added – “I have been an installer 15 years, a letter of the changes would be fine.”

Installer #5 answering “no” added – “Only need to be informed of new practices and equipment.”

Salesperson #10 answering “no” added – “Once you have completed the initial course (which is about six hours too much) there is nothing new to learn, its all about revenue enhancement.”

7. Has the commission approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?

	Yes	No	Unknown	No Opinion
Manufacturers	2		4	
Retailers/Dealers	9	4		2
Installers	8	3		
Salespersons	12	3	1	
Total	31	10	5	2

Retailer respondent #4 answering “yes” added – “After the first school, the rest is a waste of time, you have a book to go by.”

Installer respondent #1 answering “no” added – “In the classes that I’ve been to they do not tell you the basic rules to set up a house for 1st timers or go over the new rules. They don’t even give you a new book to try to decipher what the rules are. The classes are to get money not to educate.”

8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the commission doing to address the issue(s)?

MANUFACTURERS

1. Better appraisals, Finance, Jurisdiction on where they can be popped
2. Regulation of small modular buildings. The fees and costs associated with the process are driving the costs of the modular buildings up to the point they are not competitive.
3. Ill founded and ridiculous lawsuits. Don’t know what the commission is doing directly. However, we know that their efforts bring us more creditability and enhance our image.
4. The installation process has proven to be a major contributor (when performed incorrectly) to problems & complaints from homeowners. The AMHC is one of the few states that inspect each home after installation. We as a company have found this

Licensee Questionnaire

procedure to be very helpful in identifying problems before they have the opportunity to escalate into much larger issues.

- 5. Did not respond
- 6. Frivolous lawsuits. The commission has little authority to help in this matter. We feel state law should be altered so that the housing commission can have more input in manufactured housing disputes.

DEALERS

- #1, 6, 9, 11, & 14 did not answer this question
- #2, 7, & 8 answered that financing was the most significant issue
- #3. The total cost of the AMHC to me vs. the protection I get. Everything is put on the dealer. No wonder so many have gone out of business
- #4. Too many to list, need to stop people from operating w/o a license
- #5. Sharing liability with installers seems to be double responsibility
- #12. Codes & Installations
- #13. Failure to deal with unlicensed sales & setup
- #15. Site prep requirements should not be so tough and should be looked at on a case by case basis. The sale of old units for storage.

INSTALLERS

- Respondents 2, 3, 6, and 8 did not answer this question
- Respondents 5, 7, and 9 cited the costs of licensure/certification specifically the cost of decals. #9 also mentioned insurance and fines.
- Respondents 7 and 11 answered – Un-certified installers
- #1. Nothing, they are pricing us out of business
- #4. Until the moving end of the mobile home business becomes more of a business things will never get better. Too many fly-by-night movers. .
- #10. None, they do a great job

Salespersons

- Respondents 1, 2, 3, 6, 8, 13 and 15 did not answer this question
- #4 – Site prep, we have very little problem with land owners
- #5 – Image & Fly-by-night dealers
- #7- Retailers seem to be held for everything. If people doing the site work had to be licensed it would help take it off the dealers and setup people
- #9 – The Commission is too political and plays favorites. They have eliminated competition of haulers by being too restrictive
- #10 - Over regulation !!!! Cost of everything, from resale decals to AMHC licenses
- #11 – None which fall under the scope of the AMHC
- #13 – To see the construction and installation of MH on par with site built homes
- #14 – Unlicensed, Uncertified, non-bonded uninsured movers that are still operating in Alabama. There are several places in North Alabama where ‘Little Mexico’ is being developed without any regulation at all.
- #16 – The types of financing available for homes and the lack of enforcement of rules in regard to unlicensed set-up

Licensee Questionnaire

#17 - The commission needs to check on the background of dealers and salespeople prior to issuing licenses

9. Do you think the commission and its staff are satisfactorily performing their duties?

	Yes	No	Unknown	No Opinion
Manufacturers	6			
Retailers/Dealers	9	2	2	2
Installers	7	1	1	2
Salespersons	13	2		1
Total	35	5	3	5

Retailer respondent #4 answering “no” added – “As always, some do some don’t. I was written up once for not having decals in houses, when they weren’t even inspected.”

Installer #5 answering “no” added – “Used homes are being set up by state requirements and still being written up as though they were a new home.”

Salesperson #10 answering “yes” added – “They are over staffed therefore they have to increase costs to dealers, they need to get lean like the remaining dealers have.”

Salesperson #14 answering “yes” added – “The commission needs more police power to handle those who still set homes outside the regulations of the commission. The commission needs to do a better job of policing the industry.”

10. Has any member of the commission or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a commission service for you?

	Yes	No	Unknown	No Opinion
Manufacturers		6		
Retailers/Dealers		14		1
Installers		11		
Salespersons		16		
Total		47		1

Additional Comments

Retailer respondent #4 added – “The commission wants dealers to be responsible for prep of site. Its impossible. If person moves and sets up themselves, the state doesn’t fine or warn anyone about water running under house.”

Installer Respondent #4 added – “I can’t see where AMHC has been able to stop the illegal moves and setups. There has to be a solution to this problem.”

Installer #11 added – “We are very lucky to have people like Tommy Colley and Mr. Cooper. I can call them anytime and they will answer my questions.”

Salesperson #1 added – “I never have a problem getting answers or information. The commission & staff are always prompt and courteous.”

Salesperson #7 – added – “The price of decals should not be going up again”

Salesperson #10 added – “The mandatory \$500,000.00 general liability insurance is absolutely the worst idea that has ever come along. Cost of this is out of control. This in essence puts up a large bill board at every dealer’s location inviting every lowlife lawyer to sue you.”

Advisory Commission Member Questionnaire

Advisory Commission Member Questionnaire

Questionnaires were sent to the nine (9) members of the commission's advisory board. Six (6) responded. Their responses are as follows.

Question 1.

What are the most significant issues currently facing the commission and how is the commission addressing these issues?

1. Funding issues during such a recession that our industry has been in the last five years. The commission is funded by inspections which are way down. *Administrator Sloan has done a remarkable job with little.*
2. Issues:
 - a. Repossessed homes
 - b. Lack of subpoena power
 - c. Enforcement
 - d. Improper installation of homes
 - e. Some dealers and installers failing to meet contractual agreements
 - f. Interest of funds*Issues have been addressed in board meetings and have encouraged stronger enforcement.*
3. Said
 - a. Consumer complaints
 - b. Repo homes not meeting standards
 - c. Need quality setups & installations
 - d. Below standard parks for home setups
 - e. Need better or proper site preparation*Actions have been taken to improve rules and regulations and enforce standards*
4. Said
 - a. Repossessed homes causing production to be down
 - b. Damage to homes caused by improper transportation and installation
 - c. Enforcement
 - d. Dealers and installers failing to meet contractual agreements
 - e. Shortage of funds*Issues have been addressed in board meetings and have encouraged stronger enforcement*
5. Said
 - a. Consumer protection
 - b. Repossessed homes that do not meet standards

Advisory Commission Member Questionnaire

- c. Enforcement powers like Public Service Commission needed
- d. Installation/Setup
- e. Unregulated parks
- f. Meeting contractual agreements with consumers

Discussed or put in place rules which have improved these situations

6. Said

- a. Repossessed homes
- b. Litigation prior to the commission having an opportunity to inspect the home
- c. Transportation and installation by unqualified transporters and installers
- d. Enforcement of installation standards
- e. Park owners who do not comply with standards

Discussed at meetings encouraged stronger enforcement, modified some commission rules.

Question 2.

What changes, if any, to the commission's laws are needed?

- 1. Drop the liability insurance requirement for dealers and installers until business improves. Keep present bonding requirements
- 2. Should have the same enforcement powers as Public Service Commission. Interest earned on AMHC funds should remain with AMHC.
- 3. Subpoena power similar to Public Service Commission to help enforcement responsibilities.
- 4. Enforcement powers should be the same as that of the Public Service Commission (See Section 37-1-66 *Code of Alabama 1975*). State Treasury should reimburse AMHC for interest earned on funds.
- 5. Enforcement powers like Public Service Commission
- 6. Enforcement powers comparable to the Public Service Commission and Interest on AMHC funds should remain with the Commission.

Question 3.

Is the commission adequately funded?

Yes No 5 Unknown No opinion 1*

Respondent #5 did not select a response.

Question 4.

Is the commission adequately staffed?

Yes No 4 Unknown 1 No opinion 1*

Advisory Commission Member Questionnaire

Respondent #5 did not select a response

Question 5.

What is the purpose of the Alabama Manufactured Housing Commission's fiscal year end balance of unobligated funds?

One did not answer this question

The other 5 respondents answered as follows:

To comply with federal/HUD requirements

To keep the manufactured housing program in Alabama operating without placing an unfair burden on consumers and/or the industry

Complainant Questionnaire

Questionnaires were sent to thirty-five complainants. 12 responded.

Question # 1

Did the commission acknowledge the receipt of your complaint?

Yes 12 No 0

Question #2

Did the Manufactured Housing Commission resolve your complaint in a timely manner?

Yes 5 No 7

Respondent #6 answering “no” added – “it took two years”

Question #3

Were you satisfied with the Manufactured Housing Commission efforts to resolve your complaint?

Yes 7 No 5

Respondent #4 added – “Efforts were OK, wish they had more power to enforce.”

Respondent #8 answering “no” added – “They did nothing.”

Question #4

Was there anything else the Manufactured Housing Commission could have done to resolve your complaint better? If yes, please explain.

Yes 5 No 5 No response 2

Respondent #4 added – “Better enforcement of fines, etc.”

Respondent #8 answering “yes” added – “Have the manufacturer correct the poor quality of door and hardware that he installs “[REDACTED]”. Answer complaints at a hearing not with a standard letter they use.”

ADDITIONAL COMMENTS

Respondent #1 added – “I was told since [REDACTED] Homes went out of business that their was nothing more to be done. I was treated so unfair, I think their was something that could have been done.”

Respondent #2 added – “The house was never livable. I moved out Aug. 2001. The finance company picked it up Jan 2004.”

Respondent #4 added – “They should let people know as soon as a manufactured home is purchased they are there allowing a quicker response! Keep ??? “Bad” dealers w/out complaints.”

Respondent #5 added – “They said the seller and maker of my mobile home went out of business. So I don’t know what else to do except fix it myself.”

Respondent # 8 added – “I would also ask the AMHC to require the manufactures of double-wide homes to advise the public that double-wide homes depreciate in value just like a car. I would never have invested \$55,000.00 in my home if I had known this fact!”

Respondent #11 added – “They need to keep the consumer in mind, instead of taking favor with the manufacturer. If they would consider the consumers complaints a little better, you wouldn’t see so many abandoned homes. The consumers are tired of getting a thrown together piece of junk for a home. The commission needs to be done away with and maybe start over with a new approach.”.

APPENDICES

Statutes

CHAPTER 4A. MANUFACTURED BUILDINGS.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code, Alabama Manufactured Housing Commission; Regulations for Manufactured Buildings. 535-X-11-.01 through 535-X-11-.12.

13 Ala. Admin. Code, Alabama Manufactured Housing Commission; Regulations for Anchoring and Blocking of Manufactured Homes, etc. 535-X-13-.01 et seq.

§ 24-4A-1. Legislative findings; purpose of chapter.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

The legislature hereby finds that in an effort to meet the housing needs within the state, the private housing and construction industry has developed mass production techniques which can substantially reduce a housing and building cost, and that the mass production of housing and buildings consisting primarily of factory manufacture presents unique problems with respect to the establishment of uniform health and safety standards and inspection procedures. The legislature further finds that by minimizing the problems of standards and inspection procedures, it is demonstrating its intention to encourage the reduction of manufactured building construction costs, and to make housing and home ownership more feasible for all residents of the state.

(Acts 1981, No. 81-706, p. 1183, § 1.)

HISTORICAL NOTES

HISTORY

Code Commissioner's Notes

The functions, powers, duties, etc., of the Fire Marshal Division of the Insurance Department relating to manufactured housing have been transferred to the Alabama Manufactured Housing Commission, pursuant to § 24-6-4. Therefore, "Alabama Manufactured Housing Commission" or "commission" has been substituted for references to the State Fire Marshal in this chapter.

REFERENCES

ADMINISTRATIVE CODE

10 Ala. Admin. Code 465-X-3-.03, Home Builders Licensure Board Administrative Code; Exemptions.

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning, §§ 25, 56-57, 62, 121.

§ 24-4A-2. Definitions.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

As used in this chapter, the following terms shall have the meanings ascribed to them by this section:

- (1) Commission. The Alabama Manufactured Housing Commission.
- (2) Approved. Conforming to the recognized codes and regulatory requirements adopted by the commission.
- (3) Approved inspection agency. An organization meeting the commission's requirements to provide inspection of manufactured buildings and to insure compliance with national recognized codes, and rules and regulations adopted by the commission pursuant to this chapter.
- (4) Local government. A city or county government.
- (5) Manufacture. The process of making, fabricating, constructing, forming or assembling a product from raw, unfinished or semifinished materials.
- (6) Install. The assembly of a manufactured building, components of manufactured building on site and the process of affixing a manufactured building to land, a foundation, footings or an existing building and service connections which are a part thereof.
- (7) Site. The entire tract, subdivision or parcel of land on which a manufactured building is installed.
- (8) Insignia. A label, seal or data plate issued by the commission to indicate compliance with the codes and requirements established by the commission pursuant to this chapter.
- (9) Mobile home or manufactured home. Any residential dwelling unit constructed to standards and codes as promulgated by the United States Department of Housing and Urban Development.
- (10) Dwelling unit. One or more habitable rooms which are occupied, intended or designed to be occupied by one or more families with facilities for living, sleeping, cooking and eating.
- (11) Equipment. All materials, appliances, devices, fixtures, fittings or accessories installed in or used in the manufacture and assembly of a manufactured building.
- (12) System. Structural, plumbing, mechanical, heating, electrical or ventilating elements, materials or components combined for use in a manufactured building.
- (13) Manufactured building. A closed structure, building assembly or systems of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches or other service systems manufactured in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, which shall include, but not be limited to, residential dwelling units, commercial, institutional, storage and industrial structures. "Mobile homes" or "manufactured homes" are excluded. "Manufactured building" may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Excluded from the definition of "manufactured building" shall be any temporarily placed building, trailer, or structure maintained by a licensed general contractor or subcontractor for purposes of storage, office space, or any other construction related function at a project site.

- (14) Closed construction. That condition when any building, component, assembly, subassembly or system is manufactured in such a manner that all portions cannot be readily inspected at the site without disassembly or destruction thereof.
- (15) Open construction. Any building, building component, assembly or systems manufactured in such a manner that all portions can be readily inspected at the site without disassembly, damage to or destruction thereof.
- (16) Fees. Moneys to be paid to the commission from any and all persons, firms, companies, corporations and manufacturers engaged in the manufacture or installation of manufactured buildings.
- (17) Component. Any assembly, subassembly or combination of parts for use as a part of a building, which may include structural, electrical, mechanical and fire protection systems, and other systems affecting health and safety.
- (18) Model. A specific design of manufactured building which is based on size, room arrangement, method of construction, location arrangement or size of plumbing, heating or electrical equipment systems.
- (19) Modular home. A manufactured building built and inspected in accordance with a national building code and in compliance with the provisions of this chapter.
- (Acts 1981, No. 81-706, p. 1183, § 2; Act 2001-426, p. 543, § 4.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 2001 amendment, effective April 20, 2001, in subdivision (13) added the last sentence.

Code Commissioner's Notes

The functions, powers, duties, etc., of the Fire Marshal Division of the Insurance Department relating to manufactured housing have been transferred to the Alabama Manufactured Housing Commission, pursuant to § 24-6-4.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning, §§ 25, 56-57, 62, 121.

§ 24-4A-3. Powers and duties of commission generally; insignia of approval; modification of units prior to or during installation; authority of local government agencies; fee schedule; manufactured buildings approved by other states.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

(a) The commission is authorized to promulgate rules, and enter into contracts, and do such things as may be necessary and incidental to the administration of its authority pursuant to this chapter.

(b) After the effective date of the rules adopted pursuant to this chapter, no manufactured building shall be sold, or offered for sale, or installed, in this state unless it is approved and bears the insignia of approval of the commission.

(c) The Factory-Built Housing Act of 1971 and the rules promulgated under that act shall continue until the effective date of subsection (b) of this section, and thereafter shall be repealed. All personnel of the Modular Housing Division of the Alabama Development Office shall be transferred without impairment of their Merit System status to the commission, and all funds, appropriations, papers, documents, files, materials, equipment, supplies and other effects employed and used for the administration and enforcement of the previous act shall become the property of the commission. All approvals issued by the commission under the provisions of the prior act shall be deemed to comply with the requirements of this chapter.

(d) All manufactured buildings issued and bearing insignia of approval pursuant to subsections (b) and (c) of this section shall be deemed to comply with the requirements of all ordinances or regulations enacted by any local government which are applicable to the construction of manufactured buildings. The determination by the commission of the scope of such approval is final.

(e) No manufactured building bearing commission insignia of approval pursuant to subsection (b) of this section shall be in any way modified prior to or during installation unless approval is first obtained from the commission.

(f) Manufactured buildings which have been issued and bear the insignia of approval pursuant to this chapter upon manufacture or first sale shall not require an additional approval or insignia by a local government in which they are subsequently sold or installed, except a residential dwelling unit that is resold, whether by a manufacturer, manufacturer's representative or dealer; these units must bear an additional seal of approval issued by the commission.

(g) The commission by rule shall establish a schedule of fees to give cost relief to the commission for the work related to the administration and enforcement of this chapter. All fees collected under the provisions of this chapter, or otherwise inuring to the credit of the commission, shall be deposited in the State Treasury in a fund to be designated as the "State Fire Marshals Fund."

(h) If the commission determines that standards for construction and inspection of manufactured buildings prescribed by statute or rule of another state are at least equal to standards prescribed by the commission under this chapter and such standards are actually enforced by such other state, the commission may provide by rule that a manufactured building, which has been inspected and approved by such other state or its delegated inspection agency, shall be deemed to have been approved by the commission, and shall authorize the affixing of the appropriate insignia of approval.

(i) The use of the word "modular," singular or in combination with any other word to describe a mobile home or manufactured home, is hereby prohibited, and said use shall constitute a violation of the provisions of this chapter.

(j) Any city or county official who violates the provisions of this chapter by refusing to accept a manufactured building approved by the commission shall personally be liable and not be immune from prosecution if suit is brought by a party to said transaction.

(k) This section shall not apply to factory built housing which is inspected and approved by a local government agency at the place of, and during the time of manufacture in accordance with local building requirements if the requirements are reasonably consistent with standards established by the Southern Building Codes Congress, the National Fire

Protection Association and the United States Department of Housing and Urban Development. The cost of the inspection shall be borne by the manufacturer.

(l) All factory-built housing bearing an insignia of approval issued by the commission pursuant to this chapter shall be deemed to comply with the requirements of all ordinances or regulations enacted by any local government which are applicable to the manufacturer of such housing. The determination by the commission of the scope of such approval is final.

(m) No factory-built housing bearing a commission insignia of approval pursuant to this chapter shall be in any way modified prior to or during installation unless approval is first obtained from the commission.

(n) Factory-built housing which has been inspected and approved by a local government agency shall not be modified prior to or during installation unless approval for the modification is first obtained from the local government agency.

(o) The commission by rule shall establish a schedule of fees to pay the costs incurred by it for the work related to administration and enforcement of this section.

(Acts 1981, No. 81-706, p. 1183, § 3.)

HISTORICAL NOTES

HISTORY

Code Commissioner's Notes

The functions, powers, duties, etc., of the Fire Marshal Division of the Insurance Department relating to manufactured housing have been transferred to the Alabama Manufactured Housing Commission, pursuant to § 24-6-4.

The Factory-Built Housing Act of 1971, to which reference is made in subsection (c) of this section, was codified as former Chapter 4 of this title.

REFERENCES

CROSS REFERENCES

As to Alabama Manufactured Housing Commission Fund, see § 24-6-4(b).

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning, §§ 25, 56-57, 62, 121.

§ 24-4A-4. Enforcement of chapter; delegation of enforcement authority; promulgation of rules and regulations.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) The commission shall enforce the provisions of this chapter and the regulations adopted pursuant hereto; except, that the commission may delegate its enforcement authority to a local government agency, an approved inspection agency or an agency of another state, provided the inspection agencies' inspection requirements conform with the requirements of the commission.

(b) The commission shall promulgate rules and regulations to interpret and make specific the provisions of this chapter. These rules shall include provisions imposing

requirements reasonably consistent with recognized and accepted standards adopted by the Southern Building Codes Congress, International, the National Fire Protection Association or any other nationally recognized building standards.
(Acts 1981, No. 81-706, p. 1183, § 4; Act 2003-9997, § .)

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 535-X-18-.01 et seq., Manufactured Housing Commission; Dispute Resolution Program.

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning, §§ 25, 56-57, 62, 121.

§ 24-4A-5. Injunctive relief.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

The commission may obtain injunctive relief from the proper circuit court to enjoin the sale, delivery or installation of manufactured building upon an affidavit specifying the manner in which the building does not conform to the requirements of this chapter or to rules issued pursuant hereto.

(Acts 1981, No. 81-706, p. 1183, § 5.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning, §§ 25, 56-57, 62, 121.

§ 24-4A-6. Penalties.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

A person who violates any of the provisions of this chapter or any rule adopted pursuant hereto is guilty of a misdemeanor, punishable by a fine of \$500.00, or by imprisonment for 30 days, or both. A separate violation shall be deemed to have occurred with respect to each building unit (building component) involved.

(Acts 1981, No. 81-706, p. 1183, § 6.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257, 801.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning, §§ 25, 56-57, 62, 121, 355, 357, 360.

§ 24-4A-7. Exemption of pre-engineered metal buildings.

Current through End of 2003 Organizational, Regular and 1st Special Session.
The provisions of this chapter omit pre-engineered metal buildings.
(Acts 1981, No. 81-706, p. 1183, § 7.)

CHAPTER 5. MOBILE HOMES.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 535-X-10-.01 through 535-X-10-.08, Alabama Manufactured Housing Commission; Resale of Manufactured Homes.

ARTICLE 1. UNIFORM STANDARDS CODE.

§ 24-5-1. Short title.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

This article shall be known and may be cited as "The Uniform Standards Code for Mobile Homes Act."

(Acts 1971, No. 1938, p. 3129, § 1.)

HISTORICAL NOTES

HISTORY

Code Commissioner's Notes

The functions, powers, duties, etc., of the Fire Marshal Division of the Insurance Department relating to mobile homes have been transferred to the Alabama Manufactured Housing Commission, pursuant to § 24-6-4. Therefore, "Alabama Manufactured Housing Commission" or "commission" has been substituted for references to the State Fire Marshal in this article.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-2. Definitions.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

Unless clearly indicated otherwise by the context, the following words when used in this article, for purposes of this article, shall have the meanings respectively ascribed to them in this section:

(1) Mobile home. A structure, transportable in one or more sections, which when erected on site measures eight body feet or more in width and thirty-two body feet or more in length, built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. A

mobile home can be new. A new mobile home is a mobile home which is still in the possession of the manufacturer, dealer or first purchaser of the mobile home.

(2) Uniform standards code. The federal mobile home construction or safety standards promulgated pursuant to Section 604 of the National Mobile Home Construction and Safety Standards Act of 1974 published in Public Law 93-383, 42 U.S.C. § 5401 et seq. as amended from time to time.

(3) Mobile home construction. All activities relating to the assembly and manufacture of a mobile home including but not limited to those relating to durability, quality and safety.

(4) Label. The approved form of certification by the manufacturer under the provisions of the National Mobile Home Construction and Safety Standards Act of 1974 that is permanently affixed to each mobile home or transportable section thereof, and which serves as the certification by the manufacturer of conformance with the applicable federal mobile home construction and safety standards in effect the date of manufacture.

(5) Manufacturer. Any person who manufactures mobile homes and shall include the manufacturer, factory branch or factory representative.

(6) Dealer. Any person other than a manufacturer, as defined in this section, who is duly licensed to sell mobile homes in this state.

(7) Person. A person, firm, partnership, company, corporation or association engaged in manufacturing or selling mobile homes.

(8) Marshal. The Alabama State Fire Marshal.

(9) Commission. The Alabama Manufactured Housing Commission.

(10) State fire marshal's fund. The fund established to provide necessary revenue for the enforcement of this article.

(Acts 1971, No. 1938, p. 3129, § 2; Acts 1980, No. 80-599, p. 1014, § 1.)

REFERENCES

CROSS REFERENCES

As to Alabama Manufactured Housing Commission Fund, see § 24-6-4(b).

As to State Fire Marshal generally, see § 36-19-1 et seq.

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

FEDERAL ASPECTS

U.S. Code:

Section 604 of the National Mobile Home Construction and Safety Standards Act of 1974 is codified as 42 U.S.C.A. § 5403.

§ 24-5-3. Establishment of uniform standards.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

All construction of mobile homes manufactured after May 28, 1980, in this state must meet the standards of the Uniform Standards Code.

(Acts 1971, No. 1938, p. 3129, § 3; Acts 1980, No. 80-599, p. 1014, § 2.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-4. Inspection or approval; label of approval; certification of manufacturer prior to sale or offer for sale of new mobile home.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

No person may sell or offer to sell in the state any new mobile home for use in this state manufactured after May 28, 1980, unless:

(1) A label of approval has been permanently affixed to the mobile home; and

(2) It bears a certification by the manufacturer that the new mobile home to which the label is attached meets or exceeds the Uniform Standards Code.

(Acts 1971, No. 1938, p. 3129, § 4; Acts 1980, No. 80-599, p. 1014, § 3.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-5. Manufacture of mobile homes not bearing label and certification.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

No person may manufacture in this state any mobile home after May 28, 1980, unless it bears a label and certification, certifying that the mobile home meets or exceeds the Uniform Standards Code.

(Acts 1971, No. 1938, p. 3129, § 5; Acts 1980, No. 80-599, p. 1014, § 4.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-6. Licenses for sale of mobile homes.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

(a) Any manufacturer or dealer within or without this state shall apply for a license to sell mobile homes in this state.

(b) Applications shall be obtained from and submitted to the commission.

(c) The original license fee and the renewal fee shall be established by the commission by rule pursuant to Section 24-6-4. Each sales or manufacturing location shall be required to be licensed at the same rate and basis as others. The license shall be valid from January 1 until December 31 of the year in which the license was issued or until revoked as provided in this section.

(d) Any license may be revoked or suspended by the commission for violation of the provisions of this article, or rules and regulations or standards or codes or specifications adopted pursuant hereto. The commission shall notify the licensee in writing of the reasons why the commission intends to revoke or suspend the license, and the licensee shall be entitled to a hearing before the commission within 10 days after receipt of the notice of intention to revoke or suspend. At the hearing the commission shall consider the circumstances and shall give the licensee reasonable time, but not less than 30 days, to correct the conditions or circumstances that caused the notice of intention to revoke or suspend the license to be given.

(Acts 1971, No. 1938, p. 3129, § 6; Acts 1975, No. 1143, p. 2245; Acts 1980, No. 80-599, p. 1014, § 5; Act 2001-426, p. 543, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 2001 amendment, effective April 20, 2001, in subsection (b) substituted "shall" for "will"; in subsection (c) deleted "shall be \$100.00" following "license fee", substituted "established by the commission by rule pursuant to Section 24-6-4" for "\$100.00 per annum", and substituted "the license was issued" for "it was issued"; and in subsection (d) substituted "Any license" for "Any such license", substituted "the commission intends" for "it intends", substituted "the notice of intention" for "such notice of intention", and substituted "At the hearing" for "At such hearing".

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 535-X-16-.01 et seq., Alabama Manufactured Housing Commission; Schedule of Fees.

13 Ala. Admin. Code 535-X-17-.01 et seq., Alabama Manufactured Housing Commission; Licensing Manufacturers and Retailers.

13 Ala. Admin. Code 535-X-14-.01 et seq., Manufactured Housing Commission; Licensing and Training of Salespersons.

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-7. Sale of new mobile homes without labels.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

A new mobile home which does not bear the label required by this article shall not be offered for sale by any manufacturer or dealer anywhere within the geographical limits of this state.

(Acts 1971, No. 1938, p. 3129, § 7; Acts 1980, No. 80-599, p. 1014, § 6.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-8. Reciprocity. Repealed by Acts 1980, No. 80-599, p. 1014, § 7, effective May 28, 1980.

Current through End of 2003 Organizational, Regular and 1st Special Session.

§ 24-5-9. Inspection of manufacturing, sales, etc., establishments; testing of products, etc.; test records.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) The commission shall cause to be inspected, at such times as it may deem proper, any place or establishment within this state where mobile homes are manufactured, sold or offered for sale, for the purpose of ascertaining whether the requirements of this article and the regulations of the commission have been met.

(b) The commission or its duly authorized representatives, may cause products or parts or portions thereof to be analyzed or tested by the state agent or its duly authorized agency. Such analysis or test records may be preserved by the commission, and when sworn to by the state testing agent or its duly authorized agency, shall be prima facie evidence of violations of this article or rules and regulations or standards or codes or specifications adopted pursuant to this article.

(Acts 1971, No. 1938, p. 3129, § 8.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-10. License fees.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

A license to sell to licensed dealers or to the public of this state shall be issued for a fee in an amount as established by the commission by rule pursuant to Section 24-6-4.

(Acts 1971, No. 1938, p. 3129, § 9; Acts 1975, No. 1051, p. 2114; Acts 1980, No. 80-599, p. 1014, § 8; Act 2001-426, p. 543, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 2001 amendment, effective April 20, 2001, deleted the subsection (a) designator, and substituted "fee in an amount as established by the commission by rule pursuant to Section 24-6-4" for "\$100.00 original fee and the renewal fee shall be \$100.00 per annum renewable by the first day of each calendar year; and deleted subsection (b).

Code Commissioner's Notes

Acts 1988, 1st Ex. Sess., No. 88-875, which amended Sections 27-4-2, 27-7-7, 27-8-5 and 27-39-6, pertaining to the collection of certain fees and licenses by the Commissioner of Insurance, provided in Section 2 of the act: "It is the legislative intent that nothing in this act shall be construed to affect the Special Examination Revolving Fund, as provided for in Section 27-2-25, Code of Alabama 1975, or the State Fire Marshal's Fund, as provided for in Section 24-5-10, Code of Alabama 1975."

REFERENCES

CROSS REFERENCES

As to Alabama Manufactured Housing Commission Fund, see § 24-6-4(b).

ADMINISTRATIVE CODE

13 Ala. Admin. Code 535-X-17-.01 et seq., Alabama Manufactured Housing Commission; Licensing Manufacturers and Retailers.

13 Ala. Admin. Code 535-X-14-.01 et seq., Manufactured Housing Commission; Licensing and Training of Salespersons.

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-11. Records and statistics as to manufacture, sale, etc., of mobile homes.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) The commission shall maintain a system by which accurate statistics regarding the disposition of all mobile homes by licensees may be obtained.

(b) The commission shall require that each licensee in this state maintain adequate records so as to ascertain:

(1) The total number of mobile homes manufactured;

(2) The total number of mobile homes delivered to dealers within and without the state;

(3) The total number of mobile homes sold to individuals within and without the state, including name, address and county; and

(4) Specific information about each mobile home, including serial number, manufacturer's name, model name and/or number and size unit.

(Acts 1971, No. 1938, p. 3129, § 10.)

REFERENCES

LIBRARY REFERENCES

American Digest System:
Zoning and Planning 72, 83, 257.
Corpus Juris Secundum:
C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-12. Administration of article.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

The commission is hereby charged with the administration of this article. It shall make and amend, alter or repeal general rules and regulations of procedure for carrying into effect all provisions of this article and prescribe means, methods and practices to make effective such provisions.

(Acts 1971, No. 1938, p. 3129, § 11.)

REFERENCES

LIBRARY REFERENCES

American Digest System:
Zoning and Planning 72, 83, 257.
Corpus Juris Secundum:
C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-13. Enforcement of article; local ordinances providing for inspection of mobile homes.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) No person may interfere, obstruct or hinder an authorized representative of the commission who displays proper commission credentials in the performance of his duties as set forth in the provisions of this article.

(b) In the performance of its duties, the commission or any of its duly authorized representatives is hereby authorized to enter and inspect, at any reasonable time, any place or establishment where mobile homes are manufactured, sold or offered for sale, for the purpose of ascertaining whether the requirements of this article and the regulations of the commission have been met.

(c) Nothing in this article shall prevent the governing authority of any county or municipal corporation from adopting ordinances or resolutions providing for the inspection of mobile homes sold or placed within its limits and to provide penalties for violations thereof, but no such ordinance or resolution shall conflict with any power or authority of the commission or its duly authorized representatives. Any mobile home which has been inspected and approved in accordance with the provisions of this article shall not be required to comply with any local ordinances in conflict with this article.

(Acts 1971, No. 1938, p. 3129, § 12; Act 2003-9997, § .)

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 535-X-18-.01 et seq., Manufactured Housing Commission; Dispute Resolution Program.

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-13.1. Commission authorized to enter into contracts with agencies dealing with federal Department of Housing and Urban Development; purpose.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

The commission shall be authorized to enter into contracts with any private or public agency which is under contract with the United States Department of Housing and Urban Development to provide services in the enforcement of the Uniform Standards Code.

(Acts 1980, No. 80-599, p. 1014, § 10.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-14. Penalties; disposition of funds.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

(a) Whoever violates any provision of this article or any regulation or order issued under the provisions of this article shall be liable for a civil penalty of not to exceed \$1,000 for each such violation. Each violation of any section of this article or regulation or order shall constitute a separate violation with respect to each mobile home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed \$1,000,000.00 for any related series of violations occurring within one year from the date of the first violation. Before the commission shall impose a civil penalty it shall first advise the violator of its intention to do so and hold a hearing on said violation no sooner than two weeks after notification to the person of the commission's intent to impose civil penalties and the indicated violations.

(b) Any individual or a director, officer or agent of a corporation who knowingly and willfully violates any of the provisions set out in subsection (a) of this section, in a manner which threatens the health or safety of any purchaser, shall be fined not more than \$1,000.00 or sentenced to the county jail for not more than one year or both.

(c) Any fines collected under the provisions of subsections (a) and (b) of this section shall be paid into the Fire Marshal's Fund set up by the provisions of this article.

(Acts 1971, No. 1938, p. 3129, § 13; Acts 1980, No. 80-599, p. 1014, § 9.)

REFERENCES

CROSS REFERENCES

As to Alabama Manufactured Housing Commission Fund, see § 24-6-4(b).

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257, 801.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121, 355, 357, 360.

ARTICLE 2. ANCHORING.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 535-X-13-.01 et seq., Alabama Manufactured Housing

Commission; Regulations for Anchoring and Blocking of Manufactured Homes, etc.

11A Ala. Admin. Code 660-5-28-.03, Department of Human Resources; Social Services Division: Foster Care for Children.

11A Ala. Admin. Code 660-5-29-.03, Department of Human Resources; Social Services Division: Minimum Standards for Foster Family Homes--Physical Facilities.

§ 24-5-30. Short title.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

This article shall be known and may be cited as the "Uniform Code for the Anchoring of Mobile Homes Act."

(Acts 1975, No. 1144, p. 2247, § 1.)

HISTORICAL NOTES

HISTORY

Code Commissioner's Notes

The functions, powers, duties, etc., of the Fire Marshal Division of the Insurance Department relating to mobile homes have been transferred to the Alabama Manufactured Housing Commission, pursuant to § 24-6-4. Therefore, "Alabama Manufactured Housing Commission" or "commission" has been substituted for references to the State Fire Marshal in this article.

REFERENCES

ADMINISTRATIVE CODE

11 Ala. Admin. Code 660-5-28-.02, Alabama Department of Human Resources; Minimum Standards for Foster Family Homes.

11 Ala. Admin. Code 660-5-42-.06, Alabama Department of Human Resources; The Foster Family Home Requirements.

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-31. Definitions.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

When used in this article, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them in this section:

- (1) ANSI. The American National Standards Institute or its successor.
 - (2) Ground anchor. Any device at the mobile home stand designed for the purpose of securing a mobile home to the ground.
 - (3) Marshal. The Alabama State Fire Marshal.
 - (4) NFPA. The National Fire Protection Association or its successor.
 - (5) Tiedown. Any device designed to anchor a mobile home to ground anchors.
 - (6) Commission. The Alabama Manufactured Housing Commission.
 - (7) Install or installation. Siting, placing or anchoring a manufactured home or manufactured building, either one or more units, to land, upon footings, piers or foundations, or connecting the home or building to public or private utilities. Public or private utilities shall not be classified as installers under this section.
 - (8) Installer. Any person who sites, anchors, places, connects, sets up or installs a manufactured home or manufactured building upon land, footings, piers or foundations.
 - (9) Manufactured building. A closed structure, building assembly or systems of subassemblies which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches or other service systems manufactured in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, which shall include, but not be limited to, residential dwelling units, commercial, institutional, storage and industrial structures. "Mobile homes" or "manufactured homes" are excluded. "Manufactured building" may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation on the building site. Excluded from the definition of "manufactured building" shall be any temporarily placed building, trailer, or structure maintained by a licensed general contractor or subcontractor for purposes of storage, office space, or any other construction related function at a project site.
 - (10) Manufactured home. As defined by the United States Department of Housing and Urban Development.
- (Acts 1975, No. 1144, p. 2247, § 2; Acts 1991, No. 91-642, p. 1213, § 1; Act 2001-426, p. 543, § 4.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1991 amendment, effective August 8, 1991, added subdivisions (7) through (10).

The 2001 amendment, effective April 20, 2001, in subdivision (9) added the last sentence.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:
C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-32. Anchorage requirements.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

- (a) After January 1, 1976, it shall be unlawful for any person to install, allow to be installed, occupy or allow to be occupied any new or used manufactured home or manufactured building unless the home or building is tied down to properly installed ground anchors so as to be able to resist wind loads as specified in the rules and regulations adopted by the commission. The Counties of Mobile and Baldwin are designated as hurricane wind zones. All installers of manufactured homes and manufactured buildings must be certified by the commission to install such structures.
- (b) Any manufactured home or manufactured building sold after January 1, 1976, shall comply with the requirements of subsection (a) immediately upon location on the new site. Any existing manufactured home or manufactured building relocated to a new site after January 1, 1976, shall comply with the code requirements of subsection (a) immediately upon location on the new site.
- (c) The commission shall promulgate rules and regulations setting forth uniform standards for the manufacture and installation of ground anchors and blocking to be compatible with ANSI A 119.1/NFPA 501B, in order to accomplish the intent of this section. Local building inspectors shall, when required by local jurisdiction, enforce rules and regulations promulgated by the commission to accomplish the intent of this section.
- (d) Prior to adoption of the initial rules and regulations and in the event it becomes necessary to make changes in or additions to the rules and regulations adopted in subsection (a), the commission, at least 30 days prior to adopting or promulgating any such rules and regulations or changes or additions, shall mail to all manufacturers and service organizations doing business in Alabama and to the Alabama Manufactured Housing Institute a notice which shall include a copy of the rules and regulations or additions and changes thereto, and a designation of the time and place that the commission will hear and consider any objections to the proposed rules and regulations or additions and changes thereto. The commission shall afford any interested party an opportunity to be heard orally or in writing with respect to the proposed rules and regulations or additions and changes thereto. Sixty days after date of notice and hearing, any rules and regulations or changes and additions thereto shall become effective.
- (e) This section shall not apply to any mobile home which is in transit between sites.
- (f) The commission shall establish by rule a schedule of fees to pay for the administration of this article.
- (Acts 1975, No. 1144, p. 2247, § 3; Acts 1991, No. 91-642, p. 1213, § 2.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1991 amendment, effective August 8, 1991, rewrote subsections (a) and (b) and added subsection (f).

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-33. Penalties for violations of article; suspension of license tags; additional relief from violations.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

(a) It is a misdemeanor for any person to install, allow to be installed, occupy, or allow to be occupied, any manufactured home or manufactured building in this state which is not in accordance with the uniform standards and the rules and regulations adopted and set forth by the commission pursuant to this article.

(b) The commission is authorized to suspend the tag issued under Section 40-12-255 of any person violating either subsection (a) or (b) of Section 24-5-32, and shall be authorized to levy a civil penalty up to \$500.00 against any person found in violation of subsection (a) of Section 24-5-32. The commission is moreover authorized to levy a civil penalty up to \$500.00 against any installer or installation personnel violating either subsection (a) or (b) of Section 24-5-32 or the rules and regulations adopted and set forth by the commission pursuant to this article. Persons subjected to the operation of this subsection shall be given a hearing by the commission on application therefor, and shall be notified of the availability of a hearing by the commission on imposition of a penalty.

(c) In addition to other penalties provided by law, the commission and district attorneys are authorized to apply to the circuit courts within their respective jurisdictions, and such courts shall have jurisdiction, upon hearing and for cause shown, to grant appropriate additional relief to prevent or restrain violations of this article.

(Acts 1975, No. 1144, p. 2247, § 3; Acts 1991, No. 91-642, p. 1213, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1991 amendment, effective August 8, 1991, rewrote subsection (a) and added the second sentence of subsection (b).

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-5-34. Certain local laws, municipal ordinances, etc., not repealed.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

This article shall not repeal any local act, general law of local application or municipal ordinance where provisions thereof have standards, qualifications and requirements for the anchoring of mobile homes equal to or higher than those provided in this article, and such laws, acts or ordinances shall remain entirely in full force and effect.

(Acts 1975, No. 1144, p. 2247, § 4.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

CHAPTER 6. ALABAMA MANUFACTURED HOUSING COMMISSION.

REFERENCES

ADMINISTRATIVE CODE

13 Ala. Admin. Code 535-X-10-.01 through 535-X-10-.08, Alabama Manufactured Housing Commission; Resale of Manufactured Homes.

13 Ala. Admin. Code 535-X-11-.01 through 535-X-11-.12, Alabama Manufactured Housing Commission; Regulations for Manufactured Buildings.

13 Ala. Admin. Code 535-X-13-.01 et seq., Alabama Manufactured Housing Commission; Regulations for Anchoring and Blocking of Manufactured Homes, etc.

13 Ala. Admin. Code 535-X-14-.01 et seq., Manufactured Housing Commission; Licensing and Training of Salespersons.

§ 24-6-1. Intent.

Current through End of 2003 Organizational, Regular and 1st Special Session.

References

It is the express intent of this chapter to give administrative relief to the Fire Marshal Division of the Insurance Department in the supervision of any current or future federal and state statutes and codes relating to manufactured and modular housing and buildings. For such purposes, the Alabama Manufactured Housing Commission is created to perform such administrative functions.

(Acts 1985, No. 85-691, p. 1109, § 1.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-6-2. Commission created; composition.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

The Alabama Manufactured Housing Commission, hereinafter referred to as "the commission," is hereby created and shall function as the principal executive branch agency with powers to provide for a comprehensive manufactured and modular housing and building program with respect to construction, transportation, site location or manufacturing standards for such structures. The commission shall consist of an advisory board of nine members, an administrator, and other staff and personnel. The membership of the commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The advisory board members shall serve in an advisory capacity only to the administrator. The administrator shall have the sole and complete authority to formulate, implement, and execute policy, laws, and regulations for the commission, and will consult with the advisory board as necessary during its scheduled meetings. The commission shall have such other powers and duties as are hereinafter provided.

(Acts 1985, No. 85-691, p. 1109, § 2; Act 99-355, p. 553, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1999 amendment, effective June 4, 1999, in the first sentence inserted "and modular", and inserted the second, third, fourth and fifth sentences.

Code Commissioner's Notes

In 1999, the Code Commissioner, in the second sentence after "an advisory board of nine" inserted "members" for "numbers" to correct a manifest typographical error.

Act 2001-426, § 2 provides: "The existence and functioning of the Alabama Manufactured Housing Commission, created and functioning pursuant to Sections 24-6-1 to 24-6-4, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-6-3. Advisory board.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

(a) The advisory board of the commission shall be composed of nine advisory only members, each of whom shall have been a resident of Alabama for at least five years prior to appointment.

(b) Six of the members shall be appointed by the Governor, subject to Senate confirmation, as follows:

(1) From a list of nine nominees submitted by the Alabama Manufactured Housing Institute, the Governor shall appoint three members who shall be from the Alabama manufactured housing industry and of those three members, two members shall represent the manufacturers and one member shall represent the retailers. No employee of AMHI shall serve on the commission. The terms of office of the initial appointees shall be one for one year, one for two years, and one for three years.

(2) There shall be three consumer representatives appointed as follows: The Governor shall appoint from the general public three members who shall serve as consumer representatives and whose initial term of office shall be one for one year, one for two years, and one for three years. The appointees from the general public shall serve as consumer representatives with one appointee living in a manufactured home at the time of appointment. The appointments shall be selected from the current congressional districts as follows: One appointee shall reside in congressional district 4 or 5, one appointee shall reside in congressional district 3 or 6, one appointee shall reside in congressional district 1 or 2 or 7.

(c) There shall be three governmental representatives appointed as follows:

(1) The President Pro Tempore of the Senate shall appoint one member who is a representative from any local government for an initial term of two years.

(2) The Speaker of the House of Representatives shall appoint one member who is a member of the House of Representatives.

(3) The Lieutenant Governor shall appoint one member who is a member of the Senate.

(d) Appointment, reappointment, vacancies, compensation, meetings, and responsibilities shall be as follows:

(1) Appointed members shall be eligible for reappointment.

(2) Any vacancy or new appointment shall be filled by the appointing authority for the unexpired term in the same manner as the original appointment was made, except that the number of nominees for the industry members shall be reduced to three for each vacancy.

(3) The successors to the initial appointees shall serve terms of five years.

(4) The members who are appointed by the Speaker of the House of Representatives, Lieutenant Governor, and the President Pro Tempore of the Senate shall serve for the initial terms of their elected office and may be reappointed by the appointing authority for additional terms.

(5) The administrator, or other persons responsible for handling all matters under the National Manufactured Housing Construction and Safety Standards Act of 1974, shall have no actual or potential conflict of interest nor be under the influence or control of a manufacturer of products or a retailer, supplier, or vendor of products in any manner which may affect his or her capacity to perform the function of the job objectively and without bias. The Alabama Ethics Commission shall investigate any report of a conflict of interest and, upon a finding of a conflict of interest, the Governor shall remove any such person having a conflict of interest. A member of the advisory board of the housing commission who has a direct pecuniary interest in any matter before the advisory board of the housing commission shall disclose that fact before the advisory board takes action at any meeting with respect to the matter, and he or she shall not vote, participate, or be present at any such meeting. Disclosure of such a pecuniary interest shall become a part of the official record of the proceedings of the advisory board of the commission.

(6) A person appointed as a general consumer or government representative shall not have any ownership interest in or income benefit from a manufacturer of manufactured homes, a retail seller of manufactured homes, a community, or a supplier of products or services to the manufactured housing industry. These appointees shall not have any financial contracts or provide or accept any services with anyone in the manufactured housing industry except to the extent the consumer lives in a manufactured home.

(7) The members of the advisory board of the commission shall select from its membership a person to serve as chair. The chair shall preside over the advisory board meetings. The chair may not serve for more than two consecutive terms of two years each.

(8) The Governor shall make appointments within 30 days following receipt of the list of nominees from the agencies and if not made within 30 days, nominees are no longer valid and a new list of nominees must be submitted. Appointments requiring Senate approval made at times when the Legislature is not in session shall be effective ad interim. Ad interim appointments shall be made in the same manner as appointments made during a legislative session. An appointment made by the Governor when the Legislature is in session shall be submitted to the Senate not later than the third legislative day following the date of the appointment. An appointment made when the Legislature is not in session shall be submitted to the Senate not later than the third legislative day following the reconvening of the Legislature.

(9) All members of the advisory board of the commission, except legislative members, shall be paid one hundred dollars (\$100) for each day the members of the advisory board of the commission meet and shall receive the same per diem and allowance for meetings of the advisory board as is paid to state employees for official state business. Legislative members shall be entitled to receive their regular legislative compensation.

(10) The advisory board shall meet at least four times per year and at such times as called by the chair. Notice of regular meetings shall be given by the chair to advisory board members at least five business days prior to the meeting. Special called meetings shall similarly require five days' notice in writing. Five members of the advisory board shall constitute a quorum for all purposes. Vacancies on the advisory board shall be filled by nomination and appointment within 30 days by the same procedure as the original appointments. Vacancies may occur through death or resignation of an advisory board member, or other reasons.

(Acts 1985, No. 85-691, p. 1109, § 3; Act 99-355, p. 553, § 1; Act 2001-344, p. 446, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1999 amendment, effective June 4, 1999, designated the initial phrase of the first undesignated subsection as subsection (a) and designated the remaining portion as subsection (b), removed the subdivision (1) designator preceding "From a list", redesignated subdivisions (2) and (3) as subsection (c) and subdivision (1) of newly added subsection (d), added subdivisions (2) and (3) thereunder, designated the first and second sentences of the second undesignated subsection as subdivisions (1) and (2) of newly added subsection (e), added subdivisions (3) through (10) thereunder, and deleted

the third undesignated subsection; in subsection (a), as so designated, inserted "advisory board of the", and substituted "nine advisory only members, each of whom shall have been a resident of Alabama for at least five years prior to appointment." for "six members,"; in subsection (b), as so designated, in the introductory matter substituted "Six of the members" for "five of which" and inserted ", subject to Senate confirmation," and in the undesignated subdivision, in the first sentence substituted "nine" for "six", inserted "Manufactured" and substituted "appoint three members who shall be from the Alabama manufactured housing industry and of those three members, two members shall represent the manufacturers and one member shall represent the retailers" for "select three members, one of whom shall serve a three-year term of office and two of whom shall serve four-year terms of office each; thereafter all future nominees shall be submitted as herein provided and all successors shall serve terms of office of four years each", deleted the second sentence, in the penultimate sentence substituted "AMHI" for "the Alabama Manufactured Housing Institute" and substituted "commission" for "Alabama Manufactured Housing Commission as either a nonvoting or voting member and they shall not be responsible for keeping the records of the commission", and added the final sentence; in subsection (c), as so redesignated, inserted "There shall be three consumer representatives appointed as follows:", substituted "three members who shall serve as consumer representatives and" for ", one member who is a consumer representative", substituted "for one year, one for two years, and one for three years" for "year and successors shall serve a four-year term of office", and added the final two sentences; in subsection (d), in subdivision (1), as so redesignated, substituted "President Pro Tempore of the Senate" for "Governor", substituted "government" for "or state government agency" and substituted "of two years" for "of office of two years and successors shall serve a four-year term of office"; in subsections (d) and (e) added the introductory matter; and in subsection (e), in subdivision (2), as so designated, inserted "or new appointment", substituted "appointing authority" for "Governor", inserted ", except that the number of nominees for the industry members shall be reduced to three for each vacancy" and deleted the final two sentences.

The 2001 amendment, effective May 1, 2001, in subsection (b) designated subdivision (1); redesignated subsection (c) as subdivision (b)(2); and redesignated subsections (d) and (e) as subsections (c) and (d), respectively.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

§ 24-6-4. Powers and duties; fund; Sunset provision.

Current through End of 2003 Organizational, Regular and 1st Special Session.

Historical Notes References

(a) The commission, in an advisory capacity, shall be the principal staff agency of the executive branch to provide, with the cooperation of other departments of state governmental units, a comprehensive housing program and procedures which include the

relevance for housing programs administered by the state and the governmental structures required to put such programs into effect. The commission, through its administrator, shall perform all the duties and exercise all the powers and authority relative to modular housing, manufactured buildings, manufactured housing and pre-HUD 1976 mobile homes, heretofore vested in the Fire Marshal's Division within the State Department of Insurance, and other implied powers. All the functions, powers, authority and duties provided by law, specifically, but not limited to: Sections 24-5-1 through 24-5-14; 24-5-30 through 24-5-34; and 24-4A-1 through 24-4A-7, all books, records, and supplies, pursuant to and under the authority of the aforesaid code sections through legislative budgetary authority and duties provided by law, specifically, but not limited to: Sections 24-5-1 through 24-5-14; 24-5-30 through 24-5-34; and 24-4A-1 through 24-4A-7, and all books, records, supplies, equipment, documents, files, papers, materials, and personnel of the Fire Marshal's Division subject to and authorized by, or under these various code sections and related thereto are also hereby transferred to the commission.

(b) There is established a revolving fund in the State Treasury to be known as the "Alabama Manufactured Housing Commission Fund" (Fund). Any proceeds remaining at the end of each fiscal year shall not revert to the State General Fund, but shall carry forward to the succeeding fiscal years in the fund for the use of the commission. All proceeds from federal grants, loans, funds, fees, and state or federal appropriations received or collected by the commission heretofore or hereafter are so appropriated and shall be deposited in the fund, and used only for and to the enurement of this commission.

(c) The commission is authorized, through its administrator, to promulgate such rules and regulations not inconsistent with this chapter as are implied or stated as are necessary to carry out the provisions of this chapter, pertaining specifically to the manufacture, transportation, or site location of said manufactured and modular housing and buildings and building programs in the State of Alabama. The commission is further authorized, through its administrator, to promulgate such rules and regulations as it may deem necessary to meet the requirements of the Department of Housing and Urban Development, the National Fire Protection Association, or any other recognized standards.

(d) The advisory board may recommend a schedule of fees to the administrator, who, through commission rules and regulations, will establish the fees to pay the cost incurred by the said commission for the work related to the administration and enforcement of this chapter. All fees, funds, and moneys received or collected by the commission are hereby appropriated to the commission and shall be deposited in the fund to be used only for the enrichment of the commission.

(e) The commission, through its administrator, may enter into any contracts with public or private agencies and said contracts shall be submitted to the Contract Review Permanent Legislative Oversight Committee for approval.

(f) The administrator is authorized to set qualifications for employees of the commission and compensation through the state Merit System for the necessary employees to carry out the provisions of this chapter. The administrator and all other current Merit System employees shall retain their Merit System status under this chapter. The Governor is authorized to set the qualifications and compensation of future administrators. The members of the advisory board shall serve only in an advisory capacity and may make

recommendations to the Governor for the hiring or firing of the administrator. The Governor has the sole authority to hire or fire the administrator.

(g) The administrator shall serve as the department head for the purposes of all commission business, including, but not limited to, the hiring and firing of commission employees under the rules of the State Personnel Board for state Merit System employees, as required to perform the duties and responsibilities necessary in order to accomplish the state and federal regulatory functions of the agency including implementation of the state plan on file with the Department of Housing and Urban Development.

(h) The commission, through its administrator, is authorized to: Make comprehensive and detailed plans for combating the shortage of safe and sanitary housing in Alabama; apply for and accept advances, loans, grants, contributions, and any other forms of assistance from the federal government, state or other public body, or from any other source, public or private; enter into and carry out contracts or agreements in connection with programs funded by the aforesaid sources to serve a public purpose and benefit the citizens of the State of Alabama; and prepare proper legislation to administer the programs.

(i) This chapter shall not prevent an agency or department of state government from administering the program for which they are responsible.

(j) The operations of the commission shall be subject to termination October 1, 2001, and every fourth year thereafter unless continued in accordance with the Alabama Sunset Law.

(Acts 1985, No. 85-691, p. 1109, § 4; Act 99-355, p. 553, § 1.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1999 amendment, effective June 4, 1999, redesignated subsections (g) and (h) as subsections (h) and (i), respectively; in subsection (a), in the first sentence inserted ", in an advisory capacity," in the second sentence inserted ", through its administrator," and inserted "pre-HUD 1976", in the third sentence deleted "all of the Code of Alabama 1975," in two places, and deleted the final four sentences; in subsection (b) deleted "hereby" following "There is", substituted "Manufactured Housing Commission Fund (Fund)" for "manufactured housing commission fund", inserted "in the fund", and substituted "are so appropriated and shall be deposited in the fund, and" for "is so appropriated and to be deposited in this account and is to be"; in subsection (c) inserted ", through its administrator," in two places, and inserted "manufactured and modular"; in subsection (d) substituted "The advisory board may recommend" for "The commission, by rules or regulations, shall establish", inserted "to the administrator, who, through commission rules and regulations, will establish the fees", inserted "or collected", inserted "shall be deposited in the fund", and substituted "for the enrichment of the" for "to the enrichment of the said"; in subsection (e) inserted "and said contracts shall be submitted to the Contract Review Permanent Legislative Oversight Committee for approval"; in subsections (e) and (h), as so redesignated, inserted ", through its administrator,"; in subsection (f) deleted the first sentence, substituted "administrator" for "commission", inserted "of the commission", substituted "State Merit System" for "merit

system," and added the final four sentences; added subsections (g) and (j); and made nonsubstantive changes.

Code Commissioner's Notes

In 1999, the Code Commissioner in subsection (e) added "Permanent Legislative Oversight" after "Contract Review" to correct a manifest clerical error and to specify the complete name of the committee.

REFERENCES

CROSS REFERENCES

As to the Contract Review Permanent Legislative Oversight Committee, see Article 3 of Chapter 2 of Title 29.

ADMINISTRATIVE CODE

10 Ala. Admin. Code 465-X-3-.03, Home Builders Licensure Board Administrative Code; Exemptions.

13 Ala. Admin. Code 535-X-16-.01 et seq., Alabama Manufactured Housing Commission; Schedule of Fees.

13 Ala. Admin. Code 535-X-17-.01 et seq., Alabama Manufactured Housing Commission; Licensing Manufacturers and Retailers.

13 Ala. Admin. Code 535-X-18-.01 et seq., Manufactured Housing Commission; Dispute Resolution Program.

LIBRARY REFERENCES

American Digest System:

Zoning and Planning 72, 83, 257.

Corpus Juris Secundum:

C.J.S. Zoning and Land Planning §§ 25, 56-57, 62, 121.

Board Members

BOB RILEY
GOVERNOR



JIM SLOAN
ADMINISTRATOR

ALABAMA MANUFACTURED HOUSING COMMISSION

350 SOUTH DECATUR STREET • MONTGOMERY, ALABAMA 36104
(334) 242-4036 • FAX (334) 240-3178

March 12, 2004

Mr. John W. Segrest
State of Alabama
Department of Public Accounts
P. O. Box 302251
Montgomery, AL 36130-2251

Dear Mr. Segrest:

Please find below a list of the current Advisory Board members including their name, position, home town, and expiration date of their term.

Senator Gary Tanner
State Senator
Theodore
Expiration Date: Term of Elected Office

Mr. Mack Ballard
Industry Representative
Red Bay
Expiration Date: January 8, 2007

Mr. Phil Fowler
Industry Representative
Hamilton
Expiration Date: February 4, 2008

Mr. Tom Gardner, Chairman
Consumer Representative
Montgomery
Expiration Date: January 8, 2006

Representative Mike Millican
State Representative
Hamilton
Expiration Date: Term of Elected Office

Mr. John Segrest
March 12, 2004
Page 2

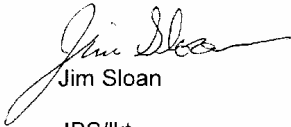
Mrs. Janice R. Johns
Local Representative
Camden
Expiration Date: Term of Elected Office

Mr. Wes Lawler
Industry Representative
Opelika
Expiration Date: January 8, 2006

Mr. Randy Tindle
Consumer Representative
McCalla
Expiration Date: January 8, 2007

Dr. George Bernard Shaw
Consumer Representative
Red Bay
Expiration Date: January 8, 2008

Sincerely,


Jim Sloan

JBS/lkt

BOB RILEY
GOVERNOR



JIM SLOAN
ADMINISTRATOR

ALABAMA MANUFACTURED HOUSING COMMISSION

350 SOUTH DECATUR STREET • MONTGOMERY, ALABAMA 36104
(334) 242-4036 • FAX (334) 240-3178

June 29, 2004

Mr. John E. Norris
Director, Operational Division
Examiners of Public Accounts
P. O. Box 302251
Montgomery, AL 36130-2251

Dear Mr. Norris:

Thank you for your letter of June 15, 2004, concerning the list of items that will appear in your report to the Sunset Committee on the operations of the Alabama Manufactured Housing Commission. Our response is enclosed.

Please express our appreciation to Mr. John Segrest. Mr. Segrest was very professional in his conduct and performance while conducting the audit of this agency.

Sincerely,

A handwritten signature in cursive script that reads "Jim Sloan".

Jim Sloan

JBS/ikt

Enclosure

SIGNIFICANT ITEM

In regard to a questionnaire sent to advisory commission members, five of the six responding to question number two (2), What changes, if any, to the commission's laws are needed?, answered – subpoena/enforcement power(s) like the Public Service Commission. No further detail was provided. Conversations with commission staff indicate occasional difficulties in having warrants served.

Concur: Suggest the following or similar language be added to §24-6-4:

“The Commission, through its administrator, is authorized to designate in writing certain members of its enforcement division to have powers of peace officers and deputy sheriffs, and such powers may be exercised anywhere within the state pursuant to the enforcement of the provisions of this title and to the rules and regulations of the Alabama Manufactured Housing Commission only.”